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COMMUNIQUE DE PRESSE - COMUNICADO DE PRENSA

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IMMEDIATE

Swaziland: A Deeply Entrenched Rule of Law Crisis

Threats to judicial independence, in violation of international human rights standards, are deeply rooted and routine in Swaziland, states the International Commission of Jurists' Centre for the Independence of Judges and Lawyers (ICJ/CIJL) in a report released today. The issuance of a draft constitution by the Government of Swaziland on 31 May 2003 is a positive step towards the resolution of the rule of law crisis, however, further concrete measures need to be taken.

In its report, the ICJ/CIJL concludes that periodic attacks on the judiciary by the Executive have now given way to an Executive attitude that holds the judiciary, the rule of law, and the separation of powers in virtual contempt, in particular when they conflict with entrenched interests. The ICJ/CIJL delegation found that informal political advisors to His Majesty King Mswati III, including members of an unaccountable advisory body commonly known as the "Thursday Committee", lie at the root of the assault on the rule of law.

The present crisis originated from a statement by the Prime Minister last November publicly denouncing two rulings of the Court of Appeal, an action that resulted in the protest resignation of that Court. Further tarnishing the image of the Kingdom, the Chief Justice was compelled to resign while other officers of the court were dismissed, demoted or threatened with deportation. It is encouraging that the Government has recently agreed to retract the Prime Minister's disparaging statement on the judges, however, for there to be any meaningful progress, the Government must fully abide by all rulings of the courts and respect the independence of the judiciary.

A high level ICJ/CIJL mission led by Justice George Kanyeihamba of the Supreme Court of Uganda, with Professor Michelo Hansungule of the University of Pretoria and Professor Edward Ratushny, President of ICJ/Canada and Professor at the University of Ottawa, visited Swaziland in January 2003. The delegation met with political, judicial and civil society actors including the Prime Minister, the Attorney General, and the Chief Justice.

Note: For further information, contact Linda Besharaty-Movaed, Legal Advisor, at 41 22 979 38 09 or Edwin Berry, Legal Officer, at 41 22 979 38 08. The report is available on the website of the ICJ: www.icj.org

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